

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-20023 AND MAP NUMBER 21448

FOR A TEMPORARY PERMIT TO APPROPRIATE WATER

WATER DIVISION 1-B

BACKGROUND

1. On July 14, 2004, the Department of Natural Resources (Department) issued an Order declaring a formal moratorium in the Republican River Basin on the issuance of all new surface water appropriations.
2. The Department's July 14, 2004, Order and the provisions of Neb. Rev. Stat. § 46-714(3)(n) allow for new surface water appropriations and increases in irrigated acres if the Department grants a variance and subsequently approves a permit for such new use.
3. On June 13, 2024, Peter Leising, on behalf of Leising, Inc., and the Nebraska Department of Transportation, filed in the Department petition VAR-10268 for leave to file an application for a permit to appropriate water. The petition requested leave to file an application for a temporary permit to appropriate less than 10 acre-feet of water for the purpose of road construction.
4. On June 18, 2024, the Department granted petition VAR-10268 for leave to file an application for a permit to appropriate.
5. On June 24, 2024, Peter Leising filed in the Department application A-20023 for a temporary permit to appropriate water.
6. Temporary permits may not be granted for a term of more than one year.

ORDER

IT IS HEREBY ORDERED that application A-20023 and map number 21448 are APPROVED subject to the following limitations and conditions:

1. The source of water is the Medicine Creek.
2. The water shall be used for the purpose of road construction.
3. The priority date is June 24, 2024.
4. The point of diversion is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 07 North, Range 27 West of the 6th P.M. in Frontier County as depicted on map number 21448 which is made a part of this Order.

5. The rate that water may be diverted under appropriation A-20023 shall not exceed 0.10 cubic foot per second (45 gallons per minute). The total amount of water diverted shall not exceed 10 acre-feet.
6. This appropriation EXPIRES one year from the date of this Order and appropriation A-20023 will be CANCELLED without further action by the Department as of that date.
7. A measuring device approved by the Department is required. Contact the Cambridge Field Office before acquiring a measuring device to ensure the device will be acceptable.
8. Within two weeks after the first diversion of water under this application the appropriator must file written notice with the Cambridge Field Office informing the Department that the first irrigation diversions have occurred. The written communication must be signed by the appropriator and may be delivered by U.S. Postal Mail, hand delivered or sent via e-mail attachment to the Cambridge Field Office Supervisor.
9. The appropriator must comply with all relevant statutes. The statutes include, but are not limited to, the following:
 - A. Notify the Department of any change in ownership or address.
 - B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, contractors, or relatives that actually apply the water to the approved use).
 - C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations.

DEPARTMENT OF NATURAL RESOURCES



Thomas E. Riley, P.E., Director

July 15, 2024

Copies of this approval and map number 21448 were posted on the Department's website and provided to the Department's field office in Cambridge, Nebraska. Copies of this approval and map number 21448 were mailed to the following:

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